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EXAMINER

ENGLAND, DAVID E

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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/005,898
Filing Date: November 02, 2001
Appellant(s): ABRAHAM ET AL.

Robert Popa Reg. No. 43,010
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/20/2006 appealing from the Office action mailed 06/19/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6298356	Jawahar et al.	10-2001
6915336	Hankejh et al.	07-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar et al. U.S. Patent No. 6298356 (hereinafter Jawahar) in view of Hankejh et al. (6915336) (hereinafter Hankejh).

Referencing claim 1, as closely interpreted by the Examiner, Jawahar teaches a computer apparatus for implementing a workflow defined by a sequence in which activity nodes that include a plurality of interactive nodes must be performed, the computer apparatus comprising a processor for arranging and initiating the execution of the activity nodes in accordance with the

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defined sequence, wherein each interactive node is arranged to allow a user to input data for use in the execution of an activity node, the processor being arranged to analyze the user input data to determine the interactive node in the sequence of activity nodes to which the user input data is associated, (e.g. col. 1, lines 10 – 28, col. 15, line 37 – col. 16, line 6 & col. 16, lines 40 – 67, “*Help*” button makes an active node an interactive node). Although Jawahar teaches implicitly a type of workflow in regards to users asking for the aid of an agent by initializing the “*Help*” button, there is no explicit teaching of a type of sequence as what is well known in the art as workflow. Hankejh more explicitly teaches workflow in the regards to a type of sequence in which activities are processed, (e.g., col. 9, lines 40 – 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hankejh with Jawahar because utilizing a schedule to answer users requests for aid give the system the ability to not let users that have been waiting for aid to be forgotten by agents if they are not aided in a timely fashion, i.e. first come first served.

Referencing claim 2, as closely interpreted by the Examiner, Jawahar and Hankejh teach all that is similar in nature here as can be found in claim 1 in regards to workflow, furthermore, Jawahar teaches the processor being arranged, in response to the analyze, to initiate execution of the associated interactive node such that if the user data is associated with an interactive node that has been executed the interactive node is re-executed, (e.g. col. 13, lines 10 – 28 & col. 21, lines 35 – 44).

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Referencing claim 3, as closely interpreted by the Examiner, Jawahar and Hankejh teach all that is similar in nature here as can be found in claim 1 in regards to workflow, furthermore, Jawahar teaches the processor is arranged to compensate executed activity nodes that follow in the defined sequence from the re-executed interactive node, (e.g. col. 13, lines 10 – 28 & col. 14, lines 40 – 55, “*back and forward*”).

Referencing claim 4, as closely interpreted by the Examiner, Jawahar and Hankejh teach all that is similar in nature here as can be found in claim 1 in regards to workflow, furthermore, Jawahar teaches a computer system comprising a computer apparatus according to claim 1 coupled, via a network, to a second computer apparatus, the second computer apparatus having a user interface to allow a user to input data for an interactive node, (e.g. col. 13, lines 10 – 28 & col. 14, lines 40 – 55, “*back and forward*”).

Referencing claim 5, as closely interpreted by the Examiner, Jawahar teaches the network is the internet, (e.g. col. 13, lines 10 – 28).

Referencing claim 6, as closely interpreted by the Examiner, Jawahar teaches the user interface is an internet application allowing sequential movement between web pages, (e.g. col. 13, lines 10 – 28 & col. 14, lines 40 – 55, “*back and forward*”).

Claims 7 – 9 are rejected for similar reasons as stated above.

Response to Arguments

Applicant's arguments filed 03/20/2006 have been fully considered but they are not persuasive.

In the Remarks, Applicant argues in substance that the Examiner opines that the "help" button of Jawahar makes an active node an interactive node. Since an interactive node involves inputting data, and since the Examiner fails to give any other indication as to where Jawahar shows data input by the user, Applicants assume that the Examiner opines that by selecting the "help" button, the user inputs data in the system of Jawahar. Applicants however note that, even assuming, arguendo, that the help request sent when the "help" button is clicked corresponds to data input by the user, Jawahar does not disclose or suggest analyzing the request to determine with which web page it is associated. The help request of Jawahar contains no information that relates it to what web page was accessed by the user when the "help" button was selected, and Jawahar provides (col. 17, lines 47-48) for determining what web page was accessed by the user when the "help" button was selected (including page accesses performed using the "back" and "forward" functions) with a monitoring application installed in the browser of the user's computer (col. 14, lines 40-43): Jawahar therefore teaches determining, without analyzing the request, what web page was accessed by the user when the "help" button was selected.

Besides, Applicants note that the help request of Jawahar is used for putting an agent in communication with the user requesting help, but is not used for the execution of the web page or of an activity node including the web page. Accordingly, even assuming that the help request sent when the "help" button is selected would read on data input by the user, Jawahar would still

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fail to disclose any "interactive node" as recited in claim 1, and in particular "arranged to allow a user to input data for use in the execution of an activity node".

As to part 1, Applicant's cited areas do confirm that Jawahar teaches the prior art of "analyzing the request". In Jawahar, as cited by the Applicant, a "monitoring" Application is utilized, which is well known in the art that if something is "monitored" then it is being analyzed. Furthermore, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985).

Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

If the Applicant were to draw their attention to column 12 et seq. of Jawahar, when an agent is requested for a customer the web page the customer is viewing is also displayed at the agent station along with other information that pertains to the web page, for example other products that are similar to the one viewed by the customer. That would mean that along with the

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request for agent, the agent would have to know what web page the customer was viewing in order to aid them with any information needed. "Determining" is "analyzing" because for a system to make a determination on data it would have to process the data or otherwise known as "analyzing" the data to come to its determination. Therefore, the Applicant has confirmed that the Prior art of Jawahar teaches their claims as presented.

In the Remarks, Applicant argues in substance that the alleged purpose of Hankejh, such as making businesses "able to immediately 'answer' the questions of those who are browsing their site without the assistance of a plug-in, 1-800 service, an additional application, added hardware, or a high-speed connection" (col. 3, lines 62-65). Applicants note that the alleged purpose of Hankejh, such as making businesses able to immediately answer the questions of those who are browsing their site without the assistance an additional application, relates to suppressing the need for an application such as described in Jawahar. Applicant submit that one skilled in the art would not have been motivated to combine the system of Jawahar with the teachings of a document that expressly teaches away from a system such as Jawahar's.

As to part 2, Jawahar and Hankejh are very similar in nature and would require very little in alteration in order to combine the two inventions in an obvious manner. Applicant is taking what is intended for the purpose out of context. This statement is also very broad in nature and doesn't state as to what added hardware nor does it state where the additional applications are located, i.e., no need for additional applications on the client side, server side, intermediate side, etc.

Furthermore, neither the statement nor the prior art of Hankejh state that their invention can only

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use their application. All that is stated is that with the invention there will be the “ability” to immediately ‘answer’ the questions of those who are browsing.

In the Remarks, Applicant argues in substance that the Examiner has failed to show that this sequence of operations reads in any way on a sequence of activity nodes that include a plurality of interactive nodes, and in particular on a "sequence in which activity nodes that include a plurality of interactive nodes must be performed" as recited in claim 1.

As to part 3, the Examiner has shown numerous times that the sequence of operations reads on a sequence of activity nodes that include a plurality of interactive nodes, and in particular on a "sequence in which activity nodes that include a plurality of interactive nodes must be performed". Firstly, as shown in figure one of Jawahar, there are multiple Agents and clients and with each client having the ability to contact an agent and become an interactive node is very apparent in the prior art. Furthermore, Applicant NEVER states in the independent claims what the “sequence” is or could be which therefore leaves a broad interpretation of the claim language. This also applies to arguments in regards to claims 2 – 9.

(10) Response to Argument

In the Arguments, Appellant argues the response to remarks given above in the Final Office Action. Appellant appears to not understand the responses give by the Examiners by stating several time, “What does this mean?”, and citing dictionary terms for comparison. The Appellant could have contacted the Examiner for an Interview to help them understand the prior art and

how it is interpreted in light of their claim language to further prosecution. Examiner will now map out, specifically, every limitation in the Appellant's claims to the prior art with precise explanations so that they can have a full understanding of how their claims can be interpreted in a different light than they appear to be giving their claim language.

Appellant states that Jawahar and Hankejh do not teach the claim language of, A computer apparatus for implementing a workflow defined by a sequence in which activity nodes that include a plurality of interactive nodes must be performed, the computer apparatus comprising a processor for arranging and initiating the execution of the activity nodes in accordance with the defined sequence, wherein each interactive node is arranged to allow a user to input data for use in the execution of an activity node, the processor being arranged to analyze the user input data to determine the interactive node in the sequence of activity nodes to which the user input data is associated.

The interpretation of the first section: "A computer apparatus for implementing a workflow defined by a sequence in which activity nodes that include a plurality of interactive nodes must be performed."

Appellant states that it is very clear what a sequence is and does not understand what the Examiner's statement on the term sequence being unclear means. A sequence has an order, as is well known in the art, but it was unclear to the Examiner if there was a specific order to which the sequence pertains to, FIFO, LIFO, shorted job first, etc, since more complex workflow system utilize some algorithm for their sequence. Without a specific definition to what the

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Appellant meant by sequence the Examiner gave it the broadest interpretation allowed, first user to call on an agent gets helped first, FIFO queue or first customer in queue gets an Agent, which will be discussed later.

The activity nodes that the Appellant teaches can be considered the agent nodes that help users in determining a product to purchase, (e.g., figures 5 – 12, col. 12, lines 44 et seq.). The interactive node is considered the customer and their request to the agent for help, hence the help button that is used to call on an agent, (e.g., col. 17, lines 34 – 65, & col. 12, lines 44 et seq.). The sequence is the order in which the agent accepts the customer, (e.g., col. 4, lines 17 – 26, “queuing transactions, automatic call distributors (ACDs), col. 8, lines 3 – 7, “*Control server 64 communicates with transaction processing system 42 to locate one or more available agents, establishes data and/or voice connections between agents and customers, and controls the flow of data between agents and customers.*”).

The interpretation of the second section: “the computer apparatus comprising a processor for arranging and initiating the execution of the activity nodes in accordance with the defined sequence.” Although, Jawahar teaches queuing information, and controlling which agent is assigned to a customer, it was assumed that a “sequence” was more specific than apparently deemed necessary, therefore adding Hankejh for their teachings. Hankejh utilizes similar teaching in regards to agents used to aid customers in their issues. Hankejh utilized a more specific queuing system that connects users to a “live one-on-one or one-to-many session” by use of the iSession, (e.g., col. 9, lines 6 – 19, 40 – 67, “*User is placed in iSession queue for next available Agent or User is introduced into an existing 1-to-many collaboration channel*”, col.

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7&8 iSession Feature implementation list, 46 Support View, *"to set status for queuing next available agent, like call center style rotation"* & col. 7, line 66 – col. 8, line 55, *"User clicks on a special iSession hyperlink on the site tagged to suggest that help of a certain type or perhaps just help in general is available by clicking. The link is directed (arrow 3) to the iSession cloud 10, and User 14 is placed in a queue while the iSession switching cloud notifies (arrow 3) logged in Agent 13 that a User has made a Request via the link. Generally while still in the queue, the cloud distributes (arrow 14) the iSession Java client application (the iSession Viewer) to the User. Then, when the Agent responds to accept the 'call' from the switching cloud, both the Agent and the User are placed (circle 5) into an iSession channel 12 to collaborate. Any number of users can be placed into an iSession channel. When the Agent or the (last) User exits the iSession Viewer, the related iSession channel is destroyed in the switching cloud."*). Appellant has not stated that their sequence is anything different than what is described above nor give examples as to how their invention would be different by pointing to enabling sections of their specification. They just restate the claim language and that the prior art does not apply.

The interpretation of the third section: "wherein each interactive node is arranged to allow a user to input data for use in the execution of an activity node."

As stated above, the use of the Help button in Jawahar is utilized to have the interactive node, otherwise interpreted as the customer, to allow a user to input data, the Help button to contact the Agent. The execution of an activity node was interpreted as the Agent connecting with the customer to execute a communication session to help the customer with their issue. See cited

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areas in the first interpretation section for teachings. Appellant does not state in their arguments why the prior art is different from their invention in this section.

The interpretation of the fourth section: “the processor being arranged to analyze the user input data to determine the interactive node in the sequence of activity nodes to which the user input data is associated.

As stated above, a sequence is covered more specifically by Hankejh. Jawahar is utilized to teach analyzing the user input data to determine the interactive node, i.e., which customer is asking for help and information about the user that is stored on a database and retrieved by the Agent, (e.g., col. 7, lines 53 – 65, “*The information stored in database 58 includes customer information, product or service information, transaction tracking information, and other data that may be used by transaction processing system 42, agents, customers, or server 40*”). The activity nodes to which the user input data is associated is found when the help button is selected and a customer and agent are pared up. Appellant states that Examiner’s indication that to monitor a user and to analyze user information is not the same and cites the dictionary to prove their position. Utilizing only dictionary terms, without taking into consideration the context the terms could be used in, does not give the Examiner’s interpretation the background it needs. As taught by Jawahar, the information monitored by their invention and stored is later used by the Agent to determine what services are needed to help the costumer. Otherwise stated, the monitored information that is gathered is “analyzed” by the Agent to determine what services are needed to help the costumer. One interpretation of “analyzing” information that is being monitored can be

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found in figure 6 and is stated in column 6, line 15 et seq. *"Frame 192 represents the web page or other information currently being displayed to the customer. Thus, the agent is able to easily determine what information is available to the customer based on frame 192. Additionally, the agent can provide additional information about a product or service while referring to the information already displayed to the customer."* Therefore, the Agent has utilized information

monitored by their system, analyzed the customer data, and provided feedback to the customer.

Further down column 13, it is also taught that the web pages viewed by the customer can be view by the Agent. Further support can be found as followed, (e.g., col. 14, lines 27 – 39,

"Additionally, the access monitoring application is able to retrieve and store information regarding the information contained in each web page accessed by the user. The data collected by the access monitoring application is provided from the user's computer to a server or other device, as discussed below."). Another example of analyzing user information is found when a threshold of web pages viewed by the customer is reach which triggers a help link to appear to the user, (e.g., col. 15, lines 52 et seq. *"a system administrator or other individual may set the parameters or rules for determining when to display a "Help" button."*, col. 17, lines 16 et seq.

"Step 264 determines whether the number of pages viewed (e.g., determined by step 256) exceeds a threshold. If the threshold is exceeded, the procedure branches to step 262 to generate and display a "Help" button.").

Also a total time that a user has viewed a particular web page is monitored or analyzed. The system then displays a Help button, (e.g., col. 16, lines 40 – 55). Column 16, lines 29 – 39 teach using the monitored information to determine popularity of a web page, therefore the information would have to be analyzed to come to this determination.

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Appellant only utilized a dictionary for their argument and does not point to their specification to support their argument that the prior art and interpretation is different than what is taught in the invention's specification.

One would be motivated to combine Hankejh's queuing system in their iSession's Agent/Client system with Jawahar's Agent/Customer system not only for the reasons stated above in the rejection but also improved customer service leading to more deal closures or conclusions as to what products a customer would want and the ability to distribute knowledge and educate users on specific information or products, (e.g., Hankejh, col. 10, lines 30 – 37 & Jawahar, col. 17, lines 34 – 45). Other embodiments of Jawahar can be found in columns 21 – 23 with regards to Figures 12 – 15.

Other areas of the prior art can be utilized and the above cited areas should not limit other teachings that can be found throughout both references.

(11) Related Proceeding(s) Appendix

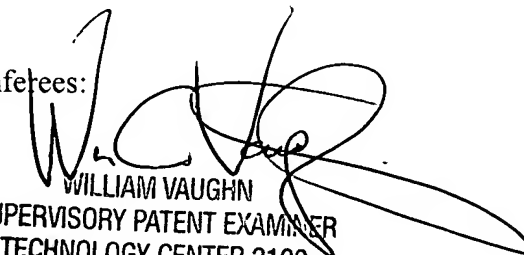
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

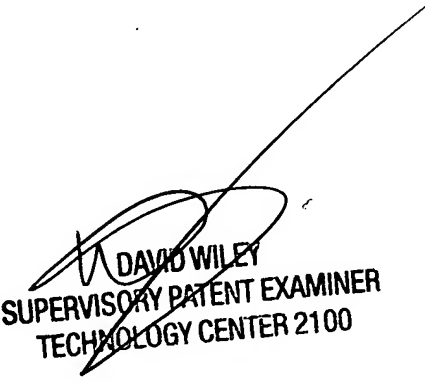
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

DE

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